

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

**IN RE:**

**Isabel Cristina Vilbrandt Medeiros**

**DEBTOR**

**CASE NO. 24-43428**

**CHAPTER 13**

**NOTICE OF HEARING AND MOTION FOR OBJECTION  
TO CONFIRMATION OF CHAPTER 13 PLAN**

To: The Debtor and other entities specified in Local Rule 9013-3(a).

1. Wells Fargo Bank, N.A. (“Secured Creditor”), by its undersigned attorney, hereby objects to Debtors proposed plan.
2. This objection is filed pursuant to 11 U.S.C. §§ 1322 and 1325, Federal Rules of Bankruptcy Procedure Rules 3015(f) and 9014, and Local Rule 3007-1. Secured Creditor requests that this Court enter an order denying confirmation of the Debtor’s Chapter 13 Plan.
3. The Court will hold a Hearing on this objection at 10:30 AM, on February 13, 2025, or as soon thereafter as counsel may be heard, in Courtroom 2C, 2nd floor, 316 North Robert Street, St. Paul, MN.
4. Any response to this objection must be filed and delivered no later than February 12, 2025 at 10:30AM , which is 24 hours before the time set for the hearing. **UNLESS A REPLY OPPOSING THE OBJECTION IS TIMELY FILED, THE COURT MAY SUSTAIN THE OBJECTION WITHOUT A HEARING.**
5. This Court has jurisdiction over this Motion proceeding under 28 U.S.C. §§ 157(a) and 1334, Federal Rules of Bankruptcy Procedure Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The Petition commencing this case was filed on December 13, 2024. This case is now pending in this Court.
6. On June 21, 2019, Isabel C. Brown (hereinafter “Debtor(s)”), made, executed and delivered to Wells Fargo Bank, N.A. a Note (hereinafter referred to as the “Note”), in the original principal amount of \$145,000.00 bearing interest from the date

thereof at the rate of 3.875% per annum until paid. A redacted copy of the Note is attached hereto as Exhibit A.

7. On June 21, 2019, to secure the payment of the Note, Isabel Brown, executed and delivered to Wells Fargo Bank, N.A. a Mortgage (hereinafter the "Mortgage"), mortgaging and conveying certain real estate in Hennepin County, Minnesota, legally described as follows:

Unit No. 176, CIC No. 798, Staring Lake Village Homes, Hennepin County, Minnesota.

which property has an address of: 13190 Murdock Terrace, Eden Prairie, MN 55347. The Mortgage was filed for record in the office of the Registrar of Titles, County of Hennepin, on June 29, 2019, as Document Number T05624238. A redacted copy of the Mortgage is attached hereto as Exhibit B.

8. The plan is objected to on the basis that the Debtor is delinquent in prepetition arrearages to Secured Creditor in the total amount of approximately \$10,308.50 and the plan does not provide for Secured Creditor.
9. In its current form, the Plan purports to modify Secured Creditor's rights under the Mortgage, contrary to the provisions of 11 U.S.C. § 1322(b)(2). As such, the Secured Creditor objects to the Plan in its current form.
10. The Plan is not made in good faith by the Debtor.
11. Secured Creditor has been forced to file this Objection to Confirmation in order to protect its interest in the collateral and requests that Debtor be required to pay the undersigned counsel reasonable attorney fees as required by the contract.

**WHEREFORE**, Secured Creditor prays that the Court:

1. Deny confirmation of the Plan;
2. Require Debtor to pay Secured Creditor's reasonable attorney fees and costs; and
3. For such other and further relief as the Court finds just and proper.

Dated: January 5, 2025

LOGS Legal Group LLP

Signed: /s/ Tracy J. Halliday

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**MEMORANDUM OF LAW IN SUPPORT OF OBJECTION TO  
CONFIRMATION OF PLAN**

**FACTS**

This Chapter 13 case was filed by the Debtor on December 13, 2024. The Debtor listed the property in schedule A with a value of \$231,700.00. The Debtor claimed the property exempt pursuant to 11 U.S.C. § 522 (d)(1) or 11 U.S.C. § 522 (d)(5). The Debtor filed a Chapter 13 Plan on December 13, 2024, listing Secured Creditor in Part 5, Claims not in Default.

**ARGUMENT**

**1. THE DEBTOR’S PLAN CANNOT BE CONFIRMED AS PROPOSED.**

Section 1322(b)(2) of the Bankruptcy Code provides as follows:

(b) Subject to subsection (a) and (c) of this Section, the plan may ---...

(2) modify the rights of holders of secured claims, other than a claim secured only by a security interest in real property that is the debtor’s principal residence...

(5) notwithstanding paragraph (2) of this subsection, provide for the curing of any default within a reasonable time and maintenance of payments while the case is pending on any unsecured claim or secured claim on which the last payment is due after the date on which the final payment under the plan is due; ...

*See* 11 U.S.C. § 1322(b). Further, under Section 1325(a),

(a) except as provided in subsection (b), the court shall confirm a plan if-

- (1) The plan complies with the provisions of this chapter and with the other applicable provisions of this title; ....
- (3) The plan has been proposed in good faith and not by any means forbidden by law; ...
- (6) The debtor will be able to make all payments under the plan and to comply with the plan...

*See* 11 U.S.C. § 1325(a).

Secured Creditor is a secured Creditor of Debtor whose claim is secured only by the Debtor's principal residence at 13190 Murdock Terrace, Eden Prairie, MN 55347. Secured Creditor has an estimated secured claim in the amount of \$142,650.58, which includes \$10,308.50 estimated in pre-petition arrears. The Debtor's Plan lists Secured Creditor's claim in Part 5. The Plan does not provide a repayment schedule for the pre-petition arrearages that are owed to the Secured Creditor. As filed, the Plan purports to modify Secured Creditor's right to collect all amounts due and owing under the Mortgage contract, which is contrary to the provisions of 11 U.S.C. § 1322(b)(2). As such, the Secured Creditor objects to the Plan in its current form.

### **CONCLUSION**

Based upon the evidence before the Court and the law, Secured Creditor requests an order denying confirmation of the Debtor's proposed Chapter 13 Plan.

Dated: January 5, 2025

Respectfully submitted,  
**LOGS LEGAL GROUP LLP**

Signed: /s/ Tracy J. Halliday  
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**ORDER DENYING CONFIRMATION OF PLAN**

The above-entitled matter came before the Court on February 13, 2025, for hearing on Debtor's proposed Chapter 13 Plan. Appearances were as noted in the record.

Based on all the files, records and arguments of counsel;

**IT IS ORDERED**, that confirmation of the Debtor's Chapter 13 Plan, as filed on December 13, 2024 is denied.

Dated:

BY THE COURT:

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Kesha L. Tanabe  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

**IN RE:**

**Isabel Cristina Vilbrandt Medeiros**

**DEBTOR**

**CASE NO. 24-43428**

**CHAPTER 13**

**CERTIFICATE OF SERVICE**

The undersigned declares under penalty of perjury, that on January 6, 2025, I mailed U.S. Mail and CM/ECF emailed copies of the Notice of Hearing and Motion for Objection to Confirmation of Chapter 13 Plan, Memorandum Of Law In Support Of Objection To Confirmation Of Plan and Order Denying Confirmation Of Plan upon the following interested parties at their last known address:

Served Via U.S. Mail

Isabel Cristina Vilbrandt Medeiros  
13190 Murdock Terrace  
Eden Prairie, MN 55347

Additional Copy(s) served electronically through the Court's ECF System or by first class U.S. mail postage addressed to:

Jeffrey H. Butwinick  
7800 Metro Parkway  
Suite 300  
Bloomington, MN 55425

Gregory A Burrell  
100 South Fifth Street  
Suite 480  
Minneapolis, MN 55402

US Trustee  
1015 US Courthouse  
300 S 4<sup>th</sup> Street  
Minneapolis, MN 55415

/s/ Serkan O. Erdogan